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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,487	11/19/2003	Yoshiharu Doi	65933-051	4518

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Washington, DC 20005-3096

EXAMINER

ODOM, CURTIS B

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/715,487

Applicant(s)

DOI, YOSHIHARU

Examiner

Curtis B. Odom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance, except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 1, "BB" is suggested to be changed to "Baseband" and in lines 12-13, the phrase "adds up the weighting coefficients" is suggested to be changed to "adds up the baseband signals". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5, 6, 13, 14, and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 5, 6, 13, 14, and 15 recite a computer program without a computer readable medium. MPEP 2106.01 [R-5], Section I states the following:

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a

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computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (U. S. Patent No. 5, 588, 027) in view of Shiino et al. (U. S. Patent No. 5, 751, 776).

Regarding claim 1, Lim discloses a response characteristic estimation apparatus (see Fig. 2), including:

an input unit (Fig. 2, block 201) which inputs a received signal;

a correlation processor (Fig. 1, block 218) which performs a correlation processing (see column 3, lines 15-24) between the received signal which has been inputted and a known reference training modulation transmission signal;

a phase error estimator (Fig. 1, blocks 210 and 211) which estimates a phase error (difference) of the received signal (see column 3, lines 26-32 and column 58-61), which has been inputted, to the known transmission signal, based on correlation of the received signal which has been inputted and the known training signal.

Lim does not disclose a phase error compensator which estimates a response characteristic of the received signal, which has been inputted, to the known transmission signal by compensating a result of the correlation processing based on the estimated phase error.

However, Shiino et al. discloses correlating a known synchronous word with the received signal (see column 3, lines 54-57). The output of the correlation is provided to a phase locked loop which estimates the phase variation (error) of the received signal (see column 4, lines 15-22) based on a transmission channel estimation which is derived from the known synchronous word and the received signal (see column 3, lines 57-61). The phase error is then compensated by a phase rotator (see column 5, lines 21-23) based on the estimation of the transmission channel (response characteristic), (see column 5, lines 10-23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to compensate for phase error after the correlation in Lim as disclosed by Shiino et al. since Shiino et al. states compensating for the phase can compensate for a frequency offset in the receiver (see column 1, lines 12-18).

Regarding claim 3, the claimed method includes features corresponding to the above rejection of claim 1, which is applicable hereto.

Regarding claim 5, the claimed method includes features corresponding to the above rejection of claim 1, wherein Lim further discloses the method/apparatus embodied as software (see column 3, lines 36-46).

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5. Claims 2, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (U. S. Patent No. 5, 588, 027) in view of Shiino et al. (U. S. Patent No. 5, 751, 776) as applied to claims 1, 3, and 5, and in further view of Huttunen (U. S. Patent No. 7, 016, 434).

Regarding claims 2, 4, and 6, Lim discloses the known training signal is included in a prescribed interval in the received signal (see Fig. 8) in a sequential manner. Lim and Shiino et al. do not disclose the apparatus further includes a controller which detects an end of the sequential interval of the known transmission signal from the received signal which has been inputted, and the phase error compensator compensates the result of the correlation processing based on the estimated phase error at the detected end.

However Huttunen discloses detecting a training sequence of a received signals and instructing a detector to detect the estimate of the channel state over the training sequence (see column 4, lines 40-41. Huttunen further disclose the channel correction and symbol detection can not begin until the training sequence is received (see column 4, lines 37-38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to instruct the phase error compensator over the entire training sequence in Lim and Shiino et al. as disclosed by Huttunen since Huttunen states this ensures the timing of the received signal can be adjusted as accurately as possible (see column 4, lines 37-40).

6. Claims 7, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mody et al. (US 2002/0181509) in view of Shiino et al. (U. S. Patent No. 5, 751, 776).

Regarding claim 7, Mody et al. discloses a receiver (see Fig. 1, block 10) including:

an input unit (see Fig. 12) which inputs a plurality of received signal samples

respectively;

a correlation processor (Fig. 12, elements 102) which performs cross-correlation processings (see section 0098 and 0100) respectively between each of the plurality of received signals which have been inputted and a known transmitted training signal;

a frequency offset estimator (see section 0090) which estimates a frequency error based on phase output from an auto-correlation, wherein the frequency offset is compensated (see section 0096) the performance of the correlation (synchronization) is dependent upon the frequency offset correction (see section 0102); and

a synthesizing unit (Fig. 12, block 108, section 0100) which synthesizes (adds) results of the correlations which correspond to a frequency offset correction (see section 0102).

Mody et al. does not specifically disclose the frequency offset estimation and synthesizing includes a phase error estimator which estimates a phase error of at least one of the plurality of received signals, which have been inputted, to the known transmission signal based on at least one of the plurality of received signals, which have been inputted, and the known transmission signal; a phase error compensator which generates a plurality of weighting coefficients by compensating respectively a plurality of results of the correlation processings based on the estimated phase error; and the synthesizing unit performs multiplications in a manner that the plurality of received signals which have been inputted respectively correspond to the plurality of weighting coefficients.

However, Shiino et al. discloses correlating a known synchronous word with the received signal (see column 3, lines 54-57). The output of the correlation is provided to a phase locked loop which estimates the phase variation (error) of the received signal (see column 4, lines 15-22) based on a transmission channel estimation which is derived from the known synchronous

word and the received signal (see column 3, lines 57-61). The phase error is then compensated by a phase rotator (see column 5, lines 21-23) based on the estimation of the transmission channel (response characteristic), (see column 5, lines 10-23). The phase rotator multiplies the received signal by a weight of the phase variation (as shown in Fig. 4, block 5) to compensate for phase error, thus the signal corresponds to the weight of the phase variation. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to compensate for phase/frequency error after the correlation in the received signals in Mody et al. as disclosed by Shiino et al. since Shiino et al. states compensating for the phase can also compensate for a frequency offset in the receiver (see column 1, lines 12-18).

Regarding claim 8, Shiino et al. further discloses averaging (integrating) a plurality of phase errors for each received signal (see column 5, lines 9-23 and column 6, lines 9-20). Therefore, it would have been obvious to average the phase errors of each received signal in Mody et al. as disclosed by Shiino et al. since Shiino et al. states compensating for the phase can also compensate for a frequency offset in the receiver (see column 1, lines 12-18).

Regarding claim 10, the claim includes limitations corresponding to claim 7, which is applicable hereto.

Regarding claim 11, the claim includes limitations corresponding to claim 8, which is applicable hereto.

Regarding claim 13, the claim includes limitations corresponding to claim 7, wherein Mody et al. further discloses the method/apparatus embodied as software (see section 0107).

Regarding claim 14, the claim includes limitations corresponding to claim 8, wherein Mody et al. further discloses the method/apparatus embodied as software (see section 0107).

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7. Claims 9, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mody et al. (US 2002/0181509) in view of Shiino et al. (U. S. Patent No. 5, 751, 776) as applied to claims 7, 10, and 13, and in further view of Huttunen (U. S. Patent No. 7, 016, 434).

Regarding claims 9, 12, and 15, Mody et al discloses the known training signal is included in a prescribed interval in the received signal (see Fig. 4, section 0052) in a sequential manner. Mody et al. and Shiino et al. do not disclose the apparatus further includes a controller which detects an end of the sequential interval of the known transmission signal from the received signals which have been inputted, and the phase error compensator compensates (generates a plurality of weighting coefficients) the result of the correlation processing based on the estimated phase errors at the detected end.

However Huttunen discloses detecting a training sequence of a received signals and instructing a detector to detect the estimate of the channel state over the training sequence (see column 4, lines 40-41. Huttunen further disclose the channel correction and symbol detection can not begin until the training sequence is received (see column 4, lines 37-38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to instruct the phase error compensator over the entire training sequence in Mody et al. and Shiino et al. as disclosed by Huttunen since Huttunen states this ensures the timing of the received signal can be adjusted as accurately as possible (see column 4, lines 37-40).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ozaki (U. S. Patent No. 5, 502, 749) disclose performing correlation processing and phase compensation of a received signal.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 571-272-3046. The examiner can normally be reached on Monday- Friday, 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Curtis Odom
December 23, 2006



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SUPERVISORY PATENT EXAMINER